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Responding to hate incidents on university campuses: benefits and barriers to establishing a restorative justice programme

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Responding to hate incidents on university campuses: benefits and barriers to establishing a restorative justice programme

This study examines staff and student perspectives of the use of restorative justice approaches to respond to student-on-student hate crime, hate incidents, and hate speech on university campuses. It draws on qualitative data collated over a one-year period, during the design and establishment of a restorative programme entitled 'Restore Respect' at two UK universities. Highlighting examples of students' experiences of prejudice and hate across the two universities, we outline some of the key barriers to reporting associated with conventional university responses, as well as staff and student views of establishing a new restorative approach to addressing incidents. While early-stage evaluation revealed certain cultural and institutional barriers and limitations to the establishment and operation of a restorative programme, the majority of staff and students viewed it as an effective way of addressing hate-based conduct that would provide greater opportunity for more positive interventions and outcomes. The paper concludes by arguing for a renewed effort to move beyond standard institutional responses to student experiences of hate and prejudice at university through the adoption of restorative, needs-centred approaches.

Keywords: hate crime; prejudice; restorative justice; universities; disciplinary

Introduction

Recorded hate crimes in the UK have more than doubled over the past five years, rising particularly sharply in the aftermath of the EU referendum to a record 103,379 offences in the year ending 2019 (Home Office, 2019). The university sector has by no means been immune to this socially corrosive phenomenon. Between 2011-2012 the National Union of Students (NUS) published four reports on hate incidents based on a survey of over 9,000 students in higher or further education. Across the four reports they found that 16% of all respondents had experienced at least one form of hate incident (defined below) during their time at their current place of study (NUS, 2012, p. 3). More recently there have been a myriad of cases, highlighted by the press, that have epitomised what appears to be a growing social trend

across the education sector. Whether it be racist chanting in the college halls at Nottingham Trent University (Busby, 2018, 8 March), slave auctions at Loughborough University (Weale, 2017), racist bigotry on social media platforms at the University of Exeter (Busby, 2018, 20 March), or rotten bananas thrown at Black students at Sheffield Hallam University (Busby, 2018, 4 April), it is clear that prejudice-motivated incidents remain a serious problem within higher education. Indeed, a 2019 media investigation into 92 universities in the UK found that hundreds of students had been sanctioned for posting homophobic, racist, transphobic, sexist, antisemitic, or Islamophobic comments on social media in the last three years, amid indications that many other incidents are going unreported (Marsh, 2019).

The problem of hate and prejudice in the university sector was such that in 2016 Universities UK (UUK) set up a taskforce to identify ways in which higher education institutions (HEIs) could better respond to incidents (UUK, 2016). In their final report, UUK recommend that an institution-wide approach to tackling hate crime (and sexual violence) is needed that involves ongoing engagement with students (UUK, 2016). The UUK report was followed by the announcement by the Higher Education Funding Council for England (HEFCE, recently reorganised into two separate bodies: the Office for Students and Research England) that it would provide grants worth £4.7 million to HEIs to improve and enhance safeguarding against hate crime, sexual violence, and online harassment through its Catalyst Student Safeguarding fund (AdvanceHE, 2018).

This article presents key findings from a project undertaken at two UK universities and funded by the Catalyst Student Safeguarding fund. The central aim of this project was the establishment of a new initiative to address hate crime, hate incidents, and hate speech through a restorative justice (RJ) practice. Named 'Restore Respect', the programme was officially launched in October 2018. Restore Respect aims to empower universities and students alike to address both the causes and consequences of prejudice and hate. The

initiative is based on restorative justice theory and practice, which aims to use an inclusive dialogical process that focuses on identifying harms and how these harms can best be repaired. Based on research demonstrating the effective use of restorative justice for hate crime (Walters, 2014), the programme represents the first UK-based effort to develop restorative practices specifically for the purpose of addressing hate crimes and incidents at university. The programme is managed by fully trained restorative practitioners (also known as facilitators) across student services and the student union at one of the universities, and via student operations and support at the other. Effort was made to train and engage practitioners from across university services as well as the student union in order to help ensure the integration of an institution-wide RJ approach, as recommended by UUK (UUK, 2016). The programme provides a reporting mechanism for hate incidents and hate crimes to either the university or student union, and ‘offers support to anyone who has been involved in an incident on campus that is perceived to be motivated by identity-based prejudice.’¹

Method

In order to ensure research objectivity, a programme coordinator was given responsibility for establishing the programme and training new facilitators while a researcher (Kayali) bore responsibility for researching student experiences of on-campus hate and prejudice and then evaluating the establishment of the programme across the two universities (henceforth referred to as University A and University B). Both elements of the project were overseen by a principal investigator (Walters).

The first stage of the research project explored student experiences of prejudice and hate on campus and their views of reporting procedures at their respective university. For this

¹ Restore Respect: http://www.sussex.ac.uk/studentlifecentre/issues/restore_respect

purpose, four focus groups and 14 interviews were conducted with 31 students from University A and 10 students from University B between May and June 2018. Qualitative methods were relied upon for data-gathering in order to more sensitively capture the voices of marginalised individuals and the types of experiences, needs, and views that reporting data have thus far failed to illuminate.

Participants were recruited via communications posted on university websites and Facebook groups as well as emails distributed among a number of staff and student networks. In addition, a number of participants were recruited with the assistance of well-connected members of the community such as student society presidents, student union officers, or university staff members. The composition of participants included, but was not limited to, self-identified women and non-binary students, Black, Asian and minority ethnic (BAME) students, disabled students, students who identified as Lesbian, Gay, Bisexual or Transgender, and students from minority religious backgrounds. A number of these characteristics were intersecting, and we therefore heard from a number of students who felt marginalised as a result of their identification with more than one identity category.

While interviews provided space for participants to provide in-depth accounts of their views and experiences, group discussions also proved valuable. As noted by Goodall, focus groups provide insight into how perceptions and attitudes are shared or contested on the group level, as well as how this may differ from how meanings are constructed on the individual level (Goodall, 1994, p. 66). Group discussions can also prompt participants to share similar experiences, give evidence for their views, or provide reasons behind points of disagreement (Linhorst, 2002; Bell & Perry, 2015, p. 104). For research on sensitive topics and involving vulnerable participants, focus groups can enable more safe and positive discussions, typically owing to the supportive presence of others who have gone through similar experiences (Liamputtong, 2011; Bell & Perry, 2015, p. 105). This was evident in this

study's focus groups, where students who had not previously identified their experiences as hate incidents or, alternatively, had not shared them outside of their private circles, revealed that they had felt encouraged to do so on the basis of what had been shared by fellow focus group participants.

Four discussion groups were held: one with only female BAME students, another with a mix of peers from residence halls, another with a mix of minority group students from the same society, and a fourth with international students. In almost all cases, focus group participants were known to each other. They could therefore assume a degree of informality which enabled more candid interactions. Focus groups and interviews were digitally recorded with the consent of participants and later transcribed. The data were then coded. Thematic analysis, chosen for its flexibility and its scope for inductive approaches (Braun and Clarke, 2006), was used to draw out common themes and sub-themes from the data, enabling us to identify specific issues affecting students at both universities.

Given that the programme was launched in October 2018 and research funding ended in February 2019, the intervening period was considered too short a time-frame of operation on which to credibly base an assessment of reported cases and student satisfaction. As such, final-stage research aimed to examine the project's impact on the culture, processes, and approaches around safeguarding students at the two universities. This involved the completion of surveys and feedback forms by participants of the various training sessions, and eight semi-structured face-to-face or telephone interviews with the staff members trained as restorative practitioners. As with our initial interviews, we applied thematic analysis to the data in order to highlight common themes. The findings from these activities were analysed together with the notes taken from meetings conducted with staff and student representatives as well as from regular meetings with the programme's advisory group.

Defining hate crime, hate incidents and hate speech

Previous research has shown that many people are unclear about what the terms ‘hate crime’, ‘hate incidents’ or ‘hate speech’ encompass (see e.g. Chakraborti et al., 2014). The university sector is likely to be no different in this regard. Though many participants in this study were aware of what ‘hate crimes’ are, fewer were clear on what ‘hate incidents’ and ‘hate speech’ denote. As part of focus groups and interviews, we asked students to discuss what their understandings of these terms were. We then outlined a definition of each of these three concepts (the first two in accordance with the definitions provided by the College of Policing (2014)), thereby allowing participants to better comprehend and discuss their experiences of these phenomena. A definition of hate speech was developed by the principal investigator based on legal expertise in this area.

(1) **Hate crimes** were defined as:

‘Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice.’

(2) **Hate incidents** were defined as:

‘Any non-crime perceived by the victim or any other person, as being motivated by prejudice or hate.’

(3) **Hate speech** was defined as:

‘Involv[ing] spoken or written words that are either intended to, or recklessly, send a hate-based message. Hate speech is commonly spread via social media platforms.’

Prejudice and hate can be demonstrated towards individuals based on multiple and intersecting identities (Chakraborti et al., 2014). Restore Respect therefore took an inclusive approach to responding to incidents targeted against identity characteristics including (but not limited to): race and ethnicity; religious beliefs; sexual orientation (e.g. being lesbian, gay,

bisexual, queer); gender (e.g. hostilities against women); gender identity and expression (e.g. prejudice towards people for being trans, non-binary, queer); disability (both physical and mental); subcultural identities (e.g. Goths, Emos); social class.

Understanding the impacts of hate on students

Once the researcher had outlined definitions of hate crime, hate speech, and hate incidents, participants were quick to share their experiences of prejudice and hate on campus. The specific types of incidents that participants described themselves as having experienced or witnessed at university included (but were not limited to): homophobic verbal attacks; racist verbal attacks; offensive graffiti; misogynistic chants; antisemitism within and between student groups; transphobic abuse; transphobia within student groups; Islamophobic vandalism of religious spaces; perceived exclusion or hostility on the grounds of gender, disability, sexual orientation, race, ethnicity, or religion; offensive comments relating to religious, racial, or gender identity; a general lack of appreciation of identity difference and the experiences of minority groups (more detailed examples are described below).

- ***Case study 1: homophobic hate speech***

S, a British bisexual female university student, was participating in a university sports event when a male student from the same university started yelling ‘angry d*ke’ at her. S retaliated by punching the student. Following the incident, one of S’s friends, a male student, pressured her to apologise, which added to her feelings of victimisation. As S stated, ‘Yeah, I shouldn’t have punched him, I shouldn’t have gotten violent. But do you understand why I got violent? Have some respect for my feelings ... You’re just defending your friend and you’re not thinking about the impact that his words have had on me.’

Despite being aware of certain avenues of reporting at her university, S chose not to report the incident. This was partly due to the fact that she had responded by hitting the student responsible, which S believed complicated the matter by putting them both at fault. However, S explained that the reason she chose to respond in the way that she did (by ‘taking the situation into [her] own hands’) was because she did not believe that she would be properly listened to or that anything positive would result from her reporting the incident. Further, S explained,

It also doesn’t feel big enough. I feel like a lot of the things that happen are hate speech and a lot of micro-aggressions and minor incidents, and so for one person it builds up, but for a university disciplinary it’s [just] one thing. And they’re like, ‘Yeah, he called you a d*ke but, like, get over it.’ ... It’s also that the disciplinary process ... is so big and high up – It feels like something has to be massive to report it to them, because it’s a lot to go through. It’s a long process. So, to go through all of that just for some hate speech feels like a lot.

- ***Case study 2: racist hate speech***

P, a Black female international student, recounted several hate incidents that she had experienced throughout her time at university. Among these, P spoke about an incident in which two students on campus were overheard making offensive comments about her country of origin. P joined the discussion and was shocked at the racist and threatening nature of their remarks:

So this guy started basically saying that Black people in [my country of origin] are Nazis, Black people in [my country of origin] need to be killed ... And he said that he had family there and they’re taking up arms and they’re ready to kill Black [people].

P stated that during that week reports had emerged of attacks on Black citizens in her country, and these comments made her even more fearful both for her own safety and

the safety of her family in the wake of these reports.

I kept explaining to this guy, like, 'Please don't say these things. I'm really feeling emotional.' But he's just attacking me. He's threatening things, like how he's going to get rid of all Black [people] ... And it wasn't just what he said, but it's the way that he said it. He was shouting at me like I was a dog.

As the individuals responsible were later found not to be students attending the university in question, P was left with the option of pressing charges. However, P stated that she did not end up pursuing this course of action because her experience was compounded shortly after by other forms of racism, which left her feeling further traumatised.

Research has shown that incidents like those described by our participants can have significant impacts that are more likely to cause emotional traumas compared with similar non-hate motivated incidents (see e.g. Herek et al., 1999; Iganski & Lagou, 2015). It is not just direct victims who are likely to suffer such traumas; studies have also shown that these impacts will likely affect other university students who share the same or similar characteristics as the victim directly targeted (Paterson et al., 2018; 2019; Walters et al., 2019). The enhanced impacts of hate and prejudice are the result of victims feeling that their identity as an individual has been attacked, which can have significant implications for their sense of safety and security on campus. For many victims, their experience may also be compounded by the fact that they have experienced many past incidents of prejudice and hate. Within this study, many students explained that incidents on campus had left them feeling unsafe at their university and in the wider city beyond it. For example, one participant, an international student living on campus, described certain hate incidents as leaving her feeling 'panicked' and 'traumatised', while another was made to feel like she was 'not a person'. Other participants expressed a more general sense of shock, anxiety, anger,

shame, depression, exclusion, isolation, alienation, or emotional exhaustion, consistent with the types of heightened impacts that hate crime victims are more likely to suffer than victims of non-hate motivated crimes.

Overall, participant testimonies indicated that minority group students felt increasingly marginalised by their experiences of hate and prejudice at university. Concurrently, there was a perception amongst students who had experienced hate that students from majority identity groups tend to be unaware of the forms of marginalisation experienced by their peers, or how to discuss them and larger issues around identity difference. Research suggests that, among other factors, this situation is aggravated by the limited amount of intercultural interactions that tend to take place at universities in Britain and around the world, particularly between local and international students (Brown, 2009; Colvin, Volet & Fozdar, 2014). This not only increases the likelihood of prejudice and hate occurring between groups, but also of unreported incidents occurring *within* these groups. One focus group participant active among student groups claimed that minority student groups often feel that insulating themselves against harm is the best recourse, and that therefore hate incidents take place much more frequently at universities than is generally realised:

It stays within that community. They're looking after their own and keeping themselves safe, and they don't feel like there's like a safe-space for them to go to above that ... So I don't think we even have any kind of idea of the prevalence of that on campus, because no one reports it.²

Research shows that a turn inward, characterised by strategies of avoidance (such as self-imposed restrictions on movement or on social interaction), is commonly exhibited by direct and indirect victims who fear repeat victimisation (Paterson et al., 2018; 2019; Walters

² Interview/LGBT student.

et al., 2019). As Walters observes, '[t]he enhanced emotional traumas caused by hate crime are intrinsically connected to the fact that targeted victimization goes to the very core of the victim's 'self', i.e. incidents tear at the very essence of who a victim is' (Walters, 2014, p. xxiii). As such, when incidents take place on campus or between students, the university, both as a physical space and as an institution, can become a site of trauma. For any student who has been targeted, but particularly for students living in university accommodation – for whom the university represents not just a place of study, socialising, and recreation, but also of residence – there may be little emotional respite from these traumas.

Key barriers to reporting

NUS research has previously shown that hate incidents go widely unreported. For instance, their survey on anti-LGBT hate incidents found that just 8–13% of incidents involving prejudice against a victim's sexual orientation were reported to the victim's institution (NUS, 2011, p. 41). Those individuals who did report most frequently chose to do so to academic staff (42%) or student officers (29%), while only 12% reported to non-teaching staff (ibid, p. 4). Our qualitative research replicates these findings. Of the types of hate incidents that research participants described themselves or others as having experienced, the majority were not reported to the university. A small number of incidents were reported to academic staff, a smaller number to student support services, and one to campus security. These reporting patterns are also reflected in the results of a 2010 study of student mental health and wellbeing at the University of Brighton, which found that students prefer to seek support from those with whom they have already formed relationships. These included friends (29%); family members (21%); academic staff (16%); partners (5%); self-management (5%); peers (4%) and student services (4%) (Morris 2011: 16). For the students who claimed that they received an adequate response, this often came about after several staff or students were

approached or several routes were attempted.

NUS research found that the main reasons given by LGBT victims of hate for not reporting incidents to their institution include shame and embarrassment, fear of reprisals and retribution, and concern over having to disclose personal details (NUS, 2011, p. 4). In the our pilot study, there were four types of reason for not reporting incidents to a university, characterised as follows: ‘I don’t know where I should go’, ‘It’s not serious enough’, ‘It won’t be taken seriously’ and, ‘I don’t know what the process is like or what will happen to my information’ (see Kayali & Walters, 2018). Commonly, students perceived standard institutional responses as overly bureaucratic, slow, impersonal, or lacking in understanding. More specifically, a notable view was that the impact of hate incidents would not be fully appreciated by university staff members and that therefore the reporting process could carry the potential to re-victimise. As one student remarked:

I think maybe I’d know that reporting [an incident] is the right thing to do, but I would never suggest it to anyone, because it could make things worse. Like, if you don’t get the reaction you were expecting or people don’t take you seriously, I think it would make it even worse.³

This especially pertained to cases involving ‘low-level’ harassment, abuse or behaviour, all of which may appear minor when viewed in isolation (or with reference to the way in which offences are classed in a university’s disciplinary policy) but often form part of an individual’s ongoing experience of victimisation. Certain participants were wary of what they described as a ‘bureaucratic’ or ‘checkbox approach’ displayed by professional student support staff. While many were sympathetic to issues affecting capacity and resourcing, students felt that they could sense the difference between staff members who ‘actually care’, and those who respond ‘because of mandatory training’ with particular policies and

³ Focus group/BAME student.

procedures at front of mind. Similarly, certain students were sensitive to being ‘managed’ by faculty members who they believed viewed them as ‘nuisances’, rather than students in need of compassion and care. This points to the pressure that may be felt by front liners to respond appropriately and in accordance with policy standards, and highlights the need to encourage first responders (in whatever capacity they work) to employ empathy, primarily by empowering them with the time and resources to do so. Despite the fact that first responders may only be equipped to signpost, in many cases these encounters appeared to determine the likelihood that the reporting student would continue to pursue the case further. These results demonstrate a clear need for universities to develop new measures that can be made easily accessible to students, that treat their experiences of hate and prejudice sensitively, and that respect and protect their personal information.

Restorative justice: a better way to respond?

A key aim of the initial research into students’ experiences of prejudice and hate on campus was to ensure that any new programme helped to properly address these experiences and increase student confidence in the reporting process. The first step in this regard was to draw upon the theory and practice of restorative justice and Walters’ work on the use of restorative practices for hate crimes (Walters, 2014).

Restorative justice is ‘primarily concerned with the *engagement* of those affected by wrongdoing in a dialogic process which aims to achieve *reparation*—be it emotional, material, or to relationships’ (Ibid., p. 32). The theory of restorative justice is guided by several key principles, including ‘encounter’, ‘repair’, and ‘transformation’ (Johnstone & Van Ness, 2007). Restorative practices should aim to empower people affected by an incident through inclusive forms of discussion that are guided by the principles of equality, respect, and non-domination (Braithwaite, 2003). The person responsible for causing harm, having

listened to the harms that they have caused, is asked to make amends. Emphasis is often placed not just on emotional or material reparation but on transforming relationships. Common forms of reparation include oral or written apologies, repairing or replacing damaged property, and community or charity-based work. Punitive sanctions or the practice of stigmatising perpetrators as ‘haters’ are discouraged, as these limit opportunities for behavioural and relational transformations and for healing (Braithwaite, 1989).

Research suggests that completed restorative justice processes are more likely to alleviate the emotional traumas caused by crime and anti-social behaviour than conventional justice processes (e.g. Strang, 2002). Several studies have also reported that perpetrators are less likely to reoffend after having participated in restorative justice (e.g. Shapland et al., 2008). The *potential* of restorative justice for hate incidents, then, is that it may help to repair the harms of prejudice, while simultaneously reducing the likelihood of incidents (re)occurring. Walters’ qualitative study (2014) on the use of restorative justice for hate crime in England, for instance, found that most of the victims interviewed stated that their feelings of anger, anxiety, and fear reduced significantly after the restorative process. Victims explained that this was because they had played an active role in the resolution of their case, during which they felt facilitators and other participants had *listened* to them. This was especially important to participants who felt that the agencies they had previously reported to had been apathetic towards them. In terms of desistance, 17 out of 19 separate cases of ongoing hate crime incidents researched at one practice in London ceased after the restorative process had been completed.

There are now a wide number of practices that draw upon these principles to address conflict beyond criminal wrongdoing, most prominently in schools (Wadhwa, 2015). Within the university context, a growing number of restorative practices have been implemented in the USA (Karp, 2015; Karp & Schachter, 2019), though the development is nowhere near as

rapid as it has been within schools (Kara & MacAlister, 2010). Karp & Schachter (2019) review the evidence for RJ in universities and outline case studies of ‘what works’. They argue that a central goal of student development is social and emotional learning, which assists in enabling students to recognise and manage their emotions while appreciating the perspective of others, thereby allowing them to establish and maintain positive relationships. Karp and Schachter provide an example of a restorative circle involving five white and five black football players who had been involved in an incident involving the racist abuse of an African American football player by a white student. Each of the students was asked to begin by talking about challenges they had each faced while studying at university. They were then asked to share their account of what happened the evening of the incident and to discuss the impact that the use of the N word had had on each of them (with a particular focus on the individual who it had been directed at). The individual who had used the slur broke down in tears and apologised for what he had said. Each participant spoke of the need to develop their relationships and to decrease their use of alcohol (a contributing factor to the incident). Karp and Schachter note that the students learned more about each other’s backgrounds and left with a greater understanding of each of their experiences and the problems they had all faced during their studies.

Unlike the USA, there remains a paucity of restorative practices within the UK university sector. Given the huge growth in RJ within UK schools (Hopkins, 2011) and across the criminal justice system (CJJI, 2012), it is not entirely clear why this is the case. As we will see below, there were a number of barriers to implementing a RJ practice within the two sites of research which may provide insight into the lack of RJ more broadly across the sector. Universities should, however, be places where dialogue on conflict relating to identity difference should be encouraged. Kara & MacAlister (2010, p. 446) note that ‘institutes of higher learning need to promote positive ideals of respect, tolerance and understanding, and

must actively engage those they seek to regulate.’ Indeed, the aim of university should be not just to build knowledge of a particular subject, but to enhance understanding through dialogical means that require individuals to question common truths and reflect on their own positionality in society.

Developing a university-based restorative programme

As noted, initial data gathering and exploratory meetings combined with research and theory from the fields of hate crime studies and restorative justice formed a basis for the project team’s design of a restorative programme at University A and University B. In the phase that followed, 107 staff members (42 at University B and 65 at University A) underwent training to respond to hate and prejudice restoratively, and 11 staff members also undertook specially designed advanced three-day training to become restorative practitioners. This training provided in-depth instruction on hate crime and its impacts, as well as the theory and practice of restorative justice.

Once the initial practitioner cohort completed their training and pathways into the programme had been set up, the Restore Respect programme was launched to students. Based in the student support service and the student union at University A, and student operations and support at University B, the programme ‘offers support to anyone who has been involved in an incident on campus that is perceived to be motivated by identity-based prejudice.’⁴ Restore Respect is entirely voluntary and separate to both universities’ formal disciplinary processes. Students who wish to make a formal complaint are given information on how to do this. In order to report an incident, students can call directly at one of the services or, alternatively, they can complete an online reporting form.

⁴ Restore Respect: http://www.sussex.ac.uk/studentlifecentre/issues/restore_respect

Once an incident is reported a trained restorative facilitator should respond within 48 hours to arrange an initial meeting to discuss the reported incident. Facilitators were trained to ask the following initial questions: what happened?; what were you thinking (and what are you thinking now)?; how did that feel (and how does it feel now)?; what has been the hardest thing for you? And; who else has been affected?. Often this initial process of what is called 'restorative listening' is all that an individual wants from the process. However, the restorative facilitator can also explore the possibility of a Restore Respect supported intervention (including direct or indirect dialogue with the individual/s responsible for harming). Alternatively, the facilitator can refer individuals to support services inside or outside the university. Restore Respect supported interventions aim to engage the person being held responsible (and possibly others closely connected to the incident) in direct or indirect dialogue about what happened, why it happened, what harms resulted from it, and what should be done to repair those harms. Facilitators were trained to promote a response to the incident that focuses on responsibility and reparation rather than on labelling, punishing, or stigmatising those being held responsible.

Potential benefits: staff and student views

Before exploring staff and student ideas about restorative practices in focus groups and interviews, the concept of restorative justice was first introduced and explained. The researcher then asked students to discuss their views of such an approach, including their concerns and expectations. The majority of staff and student research participants spoke enthusiastically about the prospect of a restorative programme being established at their university and believed that it would encourage more students to come forward. Participants specifically noted the element of informality as well as the emphasis on empowering those affected by hate as positive aspects of a restorative intervention. Unlike standard responses

that universities tend to take to such incidents, in which students felt control was handed over to a closed investigation and disciplinary process, a restorative programme was perceived as allowing students to play a more active role in interventions, therefore enabling them greater ownership over their experiences.

For their part, all the trained staff practitioners interviewed also believed that a restorative programme represented a potentially more effective way for the university to address incidents involving hate and/or prejudice. This was partly premised upon the view that standard university responses are either inadequate or inappropriate and strongly risk re-victimising students who experience harm. While each university has its own policies and procedures in place for when incidents of non-academic student misconduct (such as hate incidents) are reported, most student disciplinary processes resemble each other in structure and approach (Kara & MacAlister, 2010, p. 444). They usually involve: a category of offences that indicate whether the misconduct should be treated as minor or major, an investigatory process, a finding made by an individual staff member or a disciplinary panel, and the imposition of sanctions in accordance with the seriousness of the offence. Any student who has been harmed by misconduct may be involved as a witness to its investigation but is normally excluded from the decision-making process and may not be informed of its outcome. Outcomes generally pertain solely to the student responsible for misconduct, and range from such sanctions as a written warning or fine to suspension or exclusion.

In UK universities (as, indeed, elsewhere) disciplinary proceedings tend to reflect traditional models of criminal justice in the formalised, legalistic way in which wrongdoing is determined and the punitive manner in which it is addressed (Kara & MacAlister, 2010, p. 446; Gallagher Dahl et al., 2014; Karp, 2004; Lindsay, 2017). To date, studies of university conduct programmes have demonstrated that such processes have only minimal or no learning or behavioural impacts on students (Nelson, 2017, p. 1274; Neumeister, 2017, p. 97)

– while one study posits an *increase* in recidivism as an impact (Khey et al., 2010, p. 155).

Moreover, such studies only focus upon the resultant behaviours and attitudes of *offending students* and not on how processes impact *students harmed by misconduct*, nor yet the wider student community.

Echoing the comments made by students, above, staff described disciplinary and complaint procedures as opaque and disempowering processes. This was particularly seen to be the case given that students typically bear little influence over outcome decisions.

The process as it is now is very top-down, and it's often not what the person wants ... Whereas this [restorative programme] would be – although it seems quite scary, initially, it might actually be something they want and they could get something out of. I've had disciplinary cases where the students have said, 'I found this process really difficult to go through', and it hasn't really gotten them where they wanted to be at all ... The university regards it as *their* process, so the victim – for want of a better word – is kind of a witness, and is very outside the process.⁵

Another point of interest for research participants was the potential for restorative approaches to result in more enduring outcomes than standard disciplinary approaches (Karp & Sacks, 2014). More specifically, dialogic processes were viewed as presenting participants with the opportunity to further understanding, and therefore to prevent future hate incidents. The following participant observation illustrates this assessment:

I think when you speak to students, if you gave them the choice between the perpetrator is disciplined or the perpetrator is taught that whatever it is is wrong and the perpetrator doesn't do it again, they'd choose the perpetrator doesn't do it again ... I think ... students understand that sanctions don't often do much, and so that kind of response aspect is quite important.⁶

⁵ Practitioner 2.

⁶ Interview/LGBT student.

The sections below elaborate further on what staff and students identified as the key benefits of restorative approaches to hate at university.

The opportunity to meaningfully challenge identity-based prejudice

For almost all participants, the prospect of a restorative programme being established at their university represented a valuable opportunity to address deep-rooted issues surrounding hate and prejudice and effect a transformation of behaviours and attitudes. Among some of the hate incidents that participants had witnessed, experienced, or heard about, a number were attributed by these same participants to the relative lack of exposure that certain students had previously had to diverse identity groups. Such incidents were said to commonly take place in university accommodation, which frequently brings together students from diverse areas to live in close proximity:

It's a big jump to be here with these people from all over the world, all over the country that have a completely different understanding of what's ok and what's not – it's a big shock to your system. That's why I think it's always important to let people know that it's ok to have the conversation.⁷

Of the restorative practices discussed, listening (peacemaking) circles (where harmed students can share their experiences in a supportive environment with other student community members who listen, and who in turn share their thoughts (Pranis, 2014)) appeared to generate particular interest for opening up the chance for students to learn from and inform their peers. For others, the opportunity to participate in an inclusive dialogical process was seen as a meaningful way of challenging prejudice-based behaviour. As one focus group participant explained:

⁷ Focus group/BAME student.

I think [it's about] being actually confronted in a quiet environment ... and being shown the harms that they have caused, and having it as a group explained and understood, and it not just being like, 'You're racist!' or 'You're homophobic!', but more like, 'This is my experience throughout my life, and this is what I face every single day, and you've added to that and you've hurt me.'⁸

Both staff and student participants believed that restorative practices were more likely to offer learning opportunities for all involved, as expressed by one staff member:

The restorative response ... provides an opportunity for listening and for the person, the perpetrator, to hear what it was like, but also actually for other people to hear what is going on with the perpetrator ... So it's not just about punitive reactions; it's a response rather than a reaction. Because I think we usually fall into this habit of 'black and whiteness', 'good/bad'. And we're interested in someone being brought to book for this horrible thing. But it doesn't necessarily nourish a sense of community maturity.⁹

Echoing comments made by students, staff members in student support roles believed that challenging hate and prejudice requires the kind of dialogue that enables greater understanding and empathy. For the most part, this was not considered to be a common aspect of standard university responses.

People have got to have that response from their heart in order to be able to change their way. And I feel that with restorative justice you could hear about the harm that you'd done to that person, and I think that in some ways it's kind of the only solution, really, in order to make people change their opinions.¹⁰

At the conclusion of the project, a small number of cases (six) had been referred to the programme through the online reporting form, Restore Respect email, the relevant triage

⁸ Focus group/BAME student.

⁹ Practitioner 3.

¹⁰ Practitioner 5.

administrator, or directly by way of a restorative practitioner. One practitioner described the positive difference that restorative practices had made in her handling of cases:

From the conversation I had with the student it seemed to me that using the restorative justice tools meant that they felt heard and that they felt like someone cared. And from my perspective it was very empowering for me, because I felt like I had something worthwhile to offer as far as these tools ... You know, normally, you're sort of only half listening, because you're trying to think, 'Ok, well, what do I need to do? How can I help this student?' Whereas actually I was fully engaged in the conversation, and I wasn't planning ten steps ahead; I was just listening to the student.¹¹

Challenges to effective implementation

Although a number of positive outcomes were already discernible at the relatively early stages of the programme's establishment and operation, the project team also encountered a number of challenges that appeared to threaten its impact and sustainability. While such issues would undoubtedly vary between universities, the involvement of two universities in the project provided the team with an indication of which of these issues would also be likely to arise when introducing restorative practices across other HEIs. These range from practical limitations relating to staffing and resources to fears around the reputational damage universities risk by attempting innovative solutions. We highlight these key issues in the section below.

Lack of practitioner diversity

Given the limited capacity of the project, as well as an emphasis on the sustainability of the programme, it was considered most feasible to only train officers and staff from the universities and student unions, and not students. This, however, meant that the level of diversity among the practitioner cohort reflected that of university staff membership, as noted

¹¹ Practitioner 8.

by one staff interviewee:

There's not a lot of diversity in their workforce, unfortunately. And, well, the student body is a lot more diverse than the staff at the university, and it would be wonderful to see members of the communities affected be trained. Because I think that would be a huge thing in building trust - if they can see facilitators who reflect their own identity.¹²

Students echoed this view, with certain participants stating that they trusted more fully in the capacity of individuals from similar identity groups to empathise with their experiences.¹³

Given these sentiments, a lack of diversity among a university's cohort of restorative practitioners would likely pose a significant hindrance to student engagement (see also Walters, 2014). While this cannot totally be overcome in the short term without the creation of specialist restorative roles, students should be presented with a choice between practitioners once they have reported into the programme.

Engaging perpetrators

As noted above, restorative approaches are predicated on a high degree of voluntarism. Staff therefore anticipated challenges around finding ways to engage a student named responsible for causing harm in cases where restorative conferencing is identified as an appropriate course of action. While restorative practices are not wholly contingent on the involvement of the 'harmer', or person responsible, it was recognised that encouraging the engagement of all parties involved in a hate incident would likely produce the most positive outcomes.

I must admit, the thing that I still can't really get my head around is how to get people to participate in it. Like, I get why the victim might want to participate in it, but I don't really understand what the alleged perpetrator would necessarily ... Unless it was, 'Ok,

¹² Practitioner 8.

¹³ Interview/LGBT BAME student.

well this is an alternative to going through the formal discipline process.’ And that would be your carrot.¹⁴

Such questions pointed to a lack of clarity about precisely how the programme functioned alongside, and in concert with, existing policies and procedures (such as those associated with discipline), and therefore the need for greater embedding in governance structures. Such a situation is by no means unique to the university sector. The role that restorative justice should play as either an alternative or addition to more traditional forms of justice is far from settled. Encouraging participation remains a problem, especially within environments where justice measures are conventionally based on punitive, zero tolerance approaches to sanctioning harms. Without ‘official’ sanctioning powers, the restorative programme at both universities has struggled to contact and encourage perpetrators of harm to engage with the programme.

Several practitioners believed the involvement of more concrete incentives (like, for example, the prospect of a more formal complaint being made should participation in a restorative process be declined by the harmer), for instance, might encourage greater take-up. In fact, greater alignment with conventional disciplinary procedures may be necessary before restorative practices within universities can be offered as an alternative or additional measure to addressing the harms of hate and prejudice on campus. In one study in the USA, Gallagher Dahl et al. (2014) found that the main motivating factor influencing perpetrator participation was having their ‘offence’ removed from their university record; though it should be noted that other common motivations included ‘making things right’ and to ‘offer an apology’. This may mean that in order to ensure participation amongst offending parties, punitive

¹⁴ Practitioner 2.

disciplinary procedures will remain an important coercive tool. The aim, however, is for sanctions such as suspensions and expulsions to be greatly reduced.

Encouraging broad student engagement

While evidence of increased reporting of hate incidents was certainly apparent from the number of cases that had begun to be referred to the programme, the question of how to encourage greater student engagement – particularly on the part of minority students who are most likely to be harmed by hate and prejudice – remained a persistent one. A lack of trust in institutions, in general, and university initiatives, in particular, was recognised as presenting a formidable barrier to engagement. Certainly, staff recognised that building trust and awareness among students would be difficult until individuals who had participated in the programme had had the chance to provide testimonials or foster word-of-mouth. As such, trust-building was seen by many to be a necessarily slow process.

However, particularly at University A, interviewees believed that such an effort would likely be hampered by a complex and fragmented institutional structure that can at times impede communication and coordination between different schools, departments, faculties, and service divisions. Again, the need for greater embedding in governance and as a university priority was identified as a crucial factor in encouraging engagement in and, moreover, ensuring the sustainability of the restorative programme.

Institutional embedding

Locating the most appropriate respective ‘homes’ for the programme in student services provided central points for the future management of restorative practices at both universities. However, as discussed above, opportunity still appeared to exist for further integration with university policies and procedures, as well as for training in these areas to enable practitioners to understand the extent of their remit. As stated by practitioner 4, above,

without such firm anchorage and support, the programme risked being perceived as merely an ‘add-on’ or temporary initiative.

It needs to be integrated into the disciplinary system. I mean, for example, with [a current case], I wasn’t sure if I was doing the right thing or if I was standing in the way of other procedures or policies ... I mean, I don’t think our disciplinary process has been repealed at all since this restorative justice approach has been introduced. It hasn’t been updated in any way or had this taken into account.¹⁵

Further, while locating the programme in particular areas did provide a focal point for practitioners, the absence of a ‘restorative practices’ manager to coordinate the programme and provide impetus for its continued progress prompted fears that the programme would either disperse or be absorbed into the existing practices of the division in which a practitioner was located.

Similarly, without well-defined support from central university structures and divisions, certain practitioners were unsure about the sort of practical support and latitude they would be given in arranging restorative processes and outcomes:

I don’t know what the pool of resources is like. Say, for example, with listening circles, if we had a student who said, ‘I’d like to have a listening circle and for it to be all BME students’, I don’t know whether that’s actually something that we could offer. And that’s where I think, in terms of being a practitioner, I don’t really know what I can offer, because I don’t know what we have.¹⁶

A lack of adequate resources committed to the programme also impacted staff capacity. Incorporation of restorative practices into staff roles was largely arranged by merely adding them onto staff members’ existing duties and responsibilities. As such, while goodwill was expressed by senior management for the project, little commitment was made in the way of

¹⁵ Practitioner 1.

¹⁶ Practitioner 4.

ensuring that the individuals trained as restorative practitioners were being allocated sufficient time within their roles to fulfil this function. As a result, a number of individuals or service teams who had been keen to participate could not be involved in the programme.

Insufficient senior management support or leadership

While the Restore Respect programme initially received positive buy-in from senior management on the whole, restructuring processes underway at both universities resulted in this manifesting unevenly and changeably. As with all staff and student stakeholders, levels of involvement were often determined by the extent to which individuals were personally interested in the project. This mostly affected the publicity around the programme, with little time afforded to collaborate on mutually agreeable messaging.

Further, while this was not the only factor hindering more large-scale publicity, certain practitioners expressed frustration at their perception that reputational concerns had played a part. Indeed, over the course of the year under study, strong initial support for the project at University B was replaced by cautious and limited authorisation. For example, while both universities advised against external promotion of the programme launch, University B also limited internal communications around the programme, opting instead for a ‘soft launch’ that effectively placed promotion in the hands of the small number of Restore Respect practitioners. Such conservatism appeared to relate to the fear that publicising the university’s restorative approaches to hate incidents would only serve to focus both external and internal attention on the incidence of hate at the university. This perception of the university’s motivations was also expressed by university staff.

I think there’s a definite worry [on the part of the university] that you don’t want to put negative messages out there ... [But] I’m not sure that it’s fair, because I don’t think that

it is a negative message. I think that [it depends on] the way we phrase what we're doing ... You know, it can be really positively spun.¹⁷

I'm so wanting it to work ... I think that it's really really important that we keep this project [going], but I just don't know how much [the university] is going to promote it.¹⁸

Such resistance on the part of senior leadership is particularly notable considering that two of the intended outcomes of the HEFCE Catalyst safeguarding funding, of which both universities were recipients, were effective leadership of safeguarding initiatives and commitment to cultural change (AdvanceHE, 2018, pp. 6-7). This further highlights the extent to which the marketisation of HEIs has entrenched a corporate, managerial approach to governance that can stifle genuine attempts at reform and cultural change. With the steady withdrawal of government funding from HEIs over recent decades, university revenue has come to increasingly rely on student fees and external funds (Thornton, 2014; Deem & Brehony, 2005; Molesworth Scullion & Nixon, 2011; Lorenz, 2012). As such, damage to a university's reputation through, for example, student misconduct scandals, threaten its business more than ever (Downes, 2017). Organisational management literature has noted the marked adoption of private sector risk management practices in the higher education sector (Hedgecoe, 2016; Lapsley, 2009). Notably, this has manifested in an approach that equates risk management with reputation management (Hedgecoe, 2016; Power et al., 2009). Thus, as media coverage continues to expose the prevalence of hate incidents among universities in the UK, the sector increasingly finds itself in the position of being called upon to take meaningful action at the same time as it is effectively hamstrung by the perceived reputational risks associated with attracting negative media attention. The result is that efforts to safeguard students, like those sponsored by HEFCE and UUK, are likely to encounter

¹⁷ Practitioner 6.

¹⁸ Practitioner 5.

strong opposition in their aims to transform university cultures around safeguarding.

Conclusion

Research for this project revealed a much higher incidence of hate crime, hate incidents and hate speech at the two universities under study than had been reported. While a small number of students who had been affected by hate were simply unaware of the type of support that their university could offer them, the majority did not have confidence that standard university responses would adequately address their needs or the harms they had suffered.

In contrast, staff and student participants viewed a restorative justice programme as offering a more meaningful way to respond to hate incidents; one that empowers victims, promotes personal responsibility for offenders, and provides genuine opportunities for learning and transformation. However, the success of restorative approaches depends to a great extent on the genuine will of HEIs to support them with adequate staffing, resources, training, marketing, and effective leadership. This is particularly crucial given the suspicion of conventional institutional interventions cited by students. A danger in this regard would be that student confidence would be severely undercut by insufficient commitment to the implementation of restorative practices. As a number of student-facing staff warned, this would run the risk of further entrenching cynicism and distrust, thereby further raising the barriers to the reporting of hate incidents and placing students at even greater risk.

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